

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

RONALD D. BANKS,

Plaintiff,

v.

**BOARD OF TRUSTEES OF
SOUTHERN ILLINOIS UNIVERSITY,
SOUTHERN ILLINOIS
UNIVERSITY-EDWARDSVILLE, and
STATE OF ILLINOIS**

Defendants.

No. 09-0621-DRH

ORDER

HERNDON, Chief Judge:

Now before the Court is the Board of Trustees of Southern Illinois University and Southern Illinois University-Edwardsville's September 14, 2009 motion to dismiss Count I of Plaintiff's complaint (Doc. 10). As of this date, Banks has not responded to the motion.¹ Thus, the Court considers this failure to respond as an admission of the merits of the motion. Accordingly, the Court **GRANTS** the motion. The Court **DISMISSES with prejudice** Count I of Banks' complaint against the Board of Trustees of Southern Illinois University and Southern Illinois University-Edwardsville.

IT IS SO ORDERED.

Signed this 22nd day of October, 2009.

/s/ David R. Herndon

**Chief Judge
United States District Court**

¹**Local Rule 7.1(c)** provides in part: "An adverse party shall have **thirty (30) days** after the service (*see* FED. R. CIV. P. 6) of the movant's motion in which to serve and file an answering brief. Failure to timely file an answering brief to a motion, may in the court's discretion, be considered an admission of the merits of the motion."